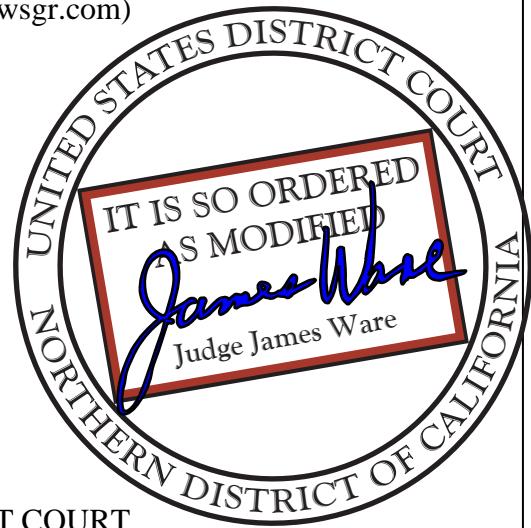


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15 IN RE UTSTARCOM, INC. ) Master File No. C-04-4908-JW(PVT)  
16 SECURITIES LITIGATION )  
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18 This Document Relates To: )  
19 ALL ACTIONS. )  
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28 JOINT STIP. AND [PROPOSED] ORDER RE  
BRIEFING SCHEDULE AND EXPANDED PAGE  
LIMITS FOR DEFNS' MOTIONS TO DISMISS THE  
FOURTH AMENDED COMPLAINT  
CASE No. C-04-4908-JW(PVT)



11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN JOSE DIVISION

14  
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FOURTH AMENDED COMPLAINT  
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1        WHEREAS, on May 14, 2008, plaintiffs filed a Fourth Amended Complaint, which is  
2 approximately 150 pages in length, not including appended exhibits;

3        WHEREAS, on June 13, consistent with the Court's March 14, 2008 Order dismissing the  
4 Third Amended Complaint, defendants filed objections to the form and content of the Fourth  
5 Amended Complaint;

6        WHEREAS, on July 24, 2008, the Court overruled defendants' objections to the Fourth  
7 Amended Complaint;

8        WHEREAS, the Court's July 24, 2008 order overruling defendants' objections to the  
9 Fourth Amended Complaint does not specify a due date for defendants' motions to dismiss or  
10 motions to strike;

11        WHEREAS, in order to accommodate counsel's schedules and in the interest of  
12 efficiency, the parties have conferred and agreed to a schedule for the parties to brief defendants'  
13 motions to dismiss and motions to strike the Fourth Amended Complaint;

14        WHEREAS, Civil L.R. 7-2(b) and Civil L.R. 7-3(a) and (c) provide for page limits that  
15 are not sufficient for the contemplated motions to dismiss, motions to strike, and supporting  
16 memoranda that defendants UTStarcom, Inc., Hong Liang Lu, Michael J. Sophie, Ying Wu, and  
17 Thomas Toy (the "UTStarcom Defendants") anticipate filing, and that plaintiffs anticipate  
18 opposing, in that the parties desire to address the numerous allegations in a comprehensive and  
19 thorough fashion;

20        WHEREAS, on July 9, 2007, the Court previously granted a similar proposed stipulation  
21 allowing expanded page limits regarding the UTStarcom Defendants' motion to dismiss the Third  
22 Amended Complaint, consisting of 50 pages for the opening and opposing briefs and 25 pages for  
23 the reply;

24        WHEREAS, the UTStarcom Defendants believe that they need no more than 50 pages  
25 combined for their motions to dismiss, motions to strike, and supporting memoranda;

26        WHEREAS, plaintiffs believe they need no more than 50 pages combined for their  
27 opposition to the UTStarcom Defendants' motion to dismiss and motion to strike;

1        WHEREAS, the UTStarcom Defendants believe that they need no more than 30 pages  
2 combined for their reply briefs in support of their motions to dismiss and motions to strike; and

3        WHEREAS, defendants Softbank America, Inc., Softbank Holdings, Inc. and Softbank  
4 Corp. (the “Softbank Defendants”) do not need and are not requesting an expansion of the page  
5 limits provided for in Civil L.R. 7-2(b) and Civil L.R. 7-3(a) and (c) for the briefing on their  
6 contemplated motion to dismiss.

7        THEREFORE, the parties hereby STIPULATE and AGREE as follows:

8        1.        Defendants’ motions to dismiss and motions to strike the Fourth Amended  
9 Complaint shall be filed no later than September 8, 2008;

10        2.        Plaintiffs briefs in opposition to defendants’ motions to dismiss and motions to  
11 strike the Fourth Amended Complaint shall be filed no later than October 24, 2008;

12        3.        Defendants reply briefs in support of their motions to dismiss and motions to strike  
13 the Fourth Amended Complaint shall be filed no later than November 24, 2008;

14        4.        The hearing on defendants’ motions to dismiss and motions to strike the Fourth  
15 Amended Complaint shall be set for **December 8, 2008 at 9 a.m.**

16        5.        The UTStarcom Defendants’ motions to dismiss and motions to strike will not  
17 exceed 50 pages combined, exclusive of the caption pages, the tables of contents, tables of  
18 authorities, requests for judicial notice, declarations, and exhibits.

19        6.        Plaintiffs’ Opposition to the UTStarcom Defendants’ motions to dismiss and  
20 motions to strike will not exceed 50 pages combined, exclusive of the caption pages, the tables of  
21 contents, tables of authorities, requests for judicial notice, declarations, and exhibits.

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1           7.       The UTStarcom Defendants' reply briefs in support of their motions to dismiss  
2 and motions to strike will not exceed 30 pages combined, exclusive of the caption pages, the  
3 tables of contents, tables of authorities, requests for judicial notice, declarations, and exhibits.

## 5 IT IS SO STIPULATED.

6 | Dated: August 1, 2008

**WILSON SONSINI GOODRICH & ROSATI**  
Professional Corporation

By: /s/BAHRAM SEYEDIN-NOOR  
BAHRAM SEYEDIN-NOOR

10 Attorneys for Defendants UTStarcom Inc., Hong  
Liang Lu, Michael J. Sophie, Ying Wu, and Thomas  
Toy

13 || Dated: August 1, 2008

## SULLIVAN & CROMWELL LLP

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ROBERT A. SACKS

16 Attorneys for Defendants SOFTBANK America,  
17 Inc., SOFTBANK Holdings, Inc. and SOFTBANK  
Corporation

20 | Dated: August 1, 2008

LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP

By: /s/SHIRLEY H. HUANG  
SHIRLEY H. HUANG

Attorneys for Plaintiffs

1 I, Bryan Ketroser, am the ECF User whose identification and password are being used to  
2 file this Joint Stipulation and [Proposed] Order Regarding Briefing Schedule and Expanded Page  
3 Limits for Defendants' Motions to Dismiss the Fourth Amended Complaint. I hereby attest that  
4 Bahram Seyedin-Noor, Shirley Huang and Robert Sacks concur in this filing.

5 Dated: August 1, 2008

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

6

7 By: /s/BRYAN KETROSER  
BRYAN KETROSER

8 Attorneys for Defendants UTStarcom Inc., Hong  
9 Liang Lu, Michael J. Sophie, Ying Wu, and Thomas  
10 Toy

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## ORDER

PURSUANT TO THIS STIPULATION, AND GOOD CAUSE APPEARING, IT IS SO  
ORDERED AS MODIFIED.

Dated: August 6, 2008

The Honorable James Ware  
United States District Court Judge